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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/785,382

02/23/2004

Justin T. Nguyen

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FENWICK & WEST LLP  
SILICON VALLEY CENTER  
801 CALIFORNIA STREET  
MOUNTAIN VIEW, CA 94041

EXAMINER

ALVAREZ, RAQUEL

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

06/14/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/785,382	NGUYEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raquel Alvarez	3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 52-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 52-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/18/07</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to communication filed on 4/5/2007.
2. Claims 1-25 and 52-68 are presented for examination,

#### **Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-25, 52-66, 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasanky et al. (5,960,406, hereinafter Rasanky) in view of article titled "Leukemia Society: Cocktail party to benefit Linsey Smith---10 year old Leukemia patient" hereinafter Leukemia Society.

With respect to claims 1, 11-13, 22, 25, 52-63, 65-66, Rasanky teaches an event planning process executed by a server system in a computer network including a plurality of user terminals communicatively coupled with the server system via the network (Figure 1A); providing an event planning user interface at a user terminal, the interface enabling a user to plan an event (col. 4, lines 14-19); receiving event information input by the user, said event information indicating a scheduled event, at least one invitee to be invited to said scheduled event and information required to attend said scheduled event (col. 5, lines 9-40); providing an invitation to said invitee, said invitation indicating said scheduled event and soliciting a response to said invitation (col. 2, lines 15-21).

Rasanky teaches receiving a response to said invitation. Rasanky doesn't specifically teach requiring RSVP fees to attend said scheduled event and an affirmative response to said invitation requires a payment as defined by said RSVP fees. Leukemia Society teaches requiring RSVP fees of \$10.00 from attendees in order to confirm attendance to a charitable event. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included RSVP fees required to attend said scheduled event and an affirmative response to said invitation requires a payment as defined by said RSVP fees to the teachings of Rasanaky because such a modification would allow event planners to monitor ticket sales and revenues.

With respect to claim 64, Official notice is taken that it is old and well known to provide discounts to members for their patronage. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included membership discount to obtain the above mentioned advantage.

With respect to claims 2-4, 17, 20, 21, 23, 67-68, Rasanky further teaches generating at least one event planning web page that is accessible at the user terminal via the network, said event planning web page including embedded code for providing said event planning graphical user interface and the invitee responds to the invitation through said web page, sending the link to said web page via e-mail (Home Page 350).

With respect to claim 5, Rasanky further teaches sending a fax invitation and said fax invitation including a universal resource locator for accessing said incitation web page (see Figure 1B).

With respect to claims 6, 10,, the claim further recites sending a post card, listing in a public directory with a universal resource location for accessing the invitation web page via the network. Official notice is taken that it is old and well known in the communication arts to have included a post card with the invitation including a universal resource locator for accessing the invitation web page via the network. For example, for certain wedding invitations, the invitee receives a post card or the like in which an URL is printed on the post card and the invitee can access the invitation by accessing the URL. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included sending a post card and via a fax or posting it in a public directory with a universal resource location for accessing the invitation web page via the network because such a modification would provide a lower cost process of invitation by allowing the invitee to access an URL rather than printing and mailing the actual invitation in order to save time and money.

With respect to claim 7, Rasanky further teaches enabling said invitee to respond to the invitation via telephone (col. 8, lines 18-27).

With respect to claim 8, further recites providing a plurality of invitation template each associated with the different event. Official notice is taken that providing a plurality of invitation template each associated with the different event would allow customization of the different events. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included providing a plurality of invitation template each associated with the different event in order to achieve the above mentioned advantage.

With respect to claim 9, Rasanky further teaches providing access to an address book associated with said user, said address book including a list of associated contacts and selecting invitation to said selected contacts (Figures 16A-21A).

Claims 14-16 further recite allowing the invitee to view information of other invitees, post messages for others to view and indicating if the invitees may forward invitations to others. Official notice is taken that it is old and well known for the host of the invitation to specify the rules of the invitations. For example, the host of the invitation to specify if the invitee can tell others or what information on the invitation can be share with others. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included allowing the invitee to view information of other invitees, post messages for others to view and indicating if the invitees may forward invitations to others in order to obtain the above mentioned advantage.

Claims 18-19 further recite determining convenience fees to be paid to administrators of the server system based on sales of said tickets to said invitees and indicating whether said convenience fees are to be paid from proceeds of tickets sales or whether said convenience fees are to be passed to said invitees. Official notice is taken that it is old and well known in marketing to determine if the proceeds or profits of sales should be paid to the administrators or passed on to the customers passing the convenience fees/profits to the customers would motivate/increase customer's loyalty.

**Response to Arguments**

3. With respect to the Official Notice taken that it is old and well known to require a fee to confirm attendance to an event, the Examiner has cited article titled "Leukemia Society: Cocktail party to benefit Linsey Smith---10 year old Leukemia patient" to support the Official Notice taken.
4. Applicant argues "that the claim do not merely require RSVP fees to confirm, attendance at an event but that the claims recite an event planning process executed by a server on a computer network" the Examiner wants to point out that Rasanky was cited for teaching an event planning process executed by a server system in a computer network including a plurality of user terminals communicatively coupled with the server system via the network (Figure 1A), see rejection above.
5. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections

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are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

6. With respect to the Official Notices taken on the dependent claims, applicant asserts that the Official Notices are improper and request their withdrawal, but this is not relevant to the use of Official Notice. While applicant may challenge the examiner's use of Official Notice, applicant needs to provide a proper challenge that would at least cast reasonable doubt on the fact taken notice of. See MPEP 2144.03 where *In re Boon* is mentioned.

### **Conclusion**

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Point of contact**

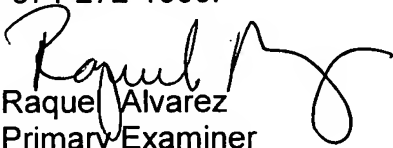


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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Raquel Alvarez  
Primary Examiner  
Art Unit 3622

R.A.  
5/31/2007